

VILLAGE OF LOMBARD
REQUEST FOR BOARD OF TRUSTEES ACTION
For Inclusion on Board Agenda

Resolution or Ordinance (Blue) X *Waiver of First Requested*
 X Recommendations of Boards, Commissions & Committees (Green)
Other Business (Pink)

TO: PRESIDENT AND BOARD OF TRUSTEES

FROM: David A. Hulseberg, Village Manager *DAH*

DATE: April 27, 2011 (BOT) Date: May 5, 2011

TITLE: PC 11-10: 1000 N. Rohlwing Road, Suite 13

SUBMITTED BY: Department of Community Development *WLB*

BACKGROUND/POLICY IMPLICATIONS:

Your Plan Commission transmits for your consideration its recommendation relative to the above-mentioned petition. The petition requests that the Village grant a conditional use, pursuant to Section 155.415 (C) (20) of the Lombard Zoning Ordinance, to allow outside service areas for outdoor dining for the subject property located within the B3PD Community Shopping Center Planned Development District.

The Plan Commission recommended approval of this petition with conditions.

The petitioner is requesting a waiver of first reading.

Fiscal Impact/Funding Source:

Review (as necessary):

Village Attorney X _____ Date _____
Finance Director X _____ Date _____
Village Manager X *David A. Hulseberg* _____ Date 4/27/11

NOTE: All materials must be submitted to and approved by the Village Manager's Office by 12:00 noon, Wednesday, prior to the Agenda Distribution.

1. 2. 3. 4. 5. 6. 7. 8. 9. 10. 11. 12. 13. 14. 15. 16. 17. 18. 19. 20. 21. 22. 23. 24. 25. 26. 27. 28. 29. 30. 31. 32. 33. 34. 35. 36. 37. 38. 39. 40. 41. 42. 43. 44. 45. 46. 47. 48. 49. 50. 51. 52. 53. 54. 55. 56. 57. 58. 59. 60. 61. 62. 63. 64. 65. 66. 67. 68. 69. 70. 71. 72. 73. 74. 75. 76. 77. 78. 79. 80. 81. 82. 83. 84. 85. 86. 87. 88. 89. 90. 91. 92. 93. 94. 95. 96. 97. 98. 99. 100.



MEMORANDUM

TO: David A. Hulseberg, Village Manager

FROM: William Heniff, AICP
Director of Community Development *WH*

DATE: May 5, 2011

SUBJECT: **PC 11-10; 1000 N Rohlwing, Suite 13 (Brauer House Restaurant)**

Attached please find the following items for Village Board consideration as part of the May 5, 2011 Village Board meeting:

1. Plan Commission referral letter;
2. IDRC report for PC 11-10;
3. An Ordinance granting approval of a conditional use for outdoor dining;
4. Plans associated with the petition.

The Plan Commission recommended approval of the conditional use for a outdoor dining.

The petitioner has requested a waiver of first reading.

1. 2. 3. 4. 5.



VILLAGE OF LOMBARD

255 E. Wilson Ave.
Lombard, Illinois 60148-3926
(630) 620-5700 Fax (630) 620-8222
www.villageoflombard.org

May 5, 2011

Village President
William J. Mueller

Village Clerk
Brigitte O'Brien

Trustees

Greg Alan Gron, Dist. 1
Keith T. Giagnorio, Dist. 2
Zachary C. Wilson, Dist. 3
Peter Breen, Dist. 4
Laura A. Fitzpatrick, Dist. 5
William "Bill" Ware, Dist. 6

Village Manager
David A. Hulseberg

Mr. William J. Mueller,
Village President, and
Board of Trustees
Village of Lombard

Subject: PC 11-10; 1000 N Rohlwing, Suite 13 (Brauer House Restaurant)

Dear President and Trustees:

Your Plan Commission transmits for your consideration its recommendation regarding the above-referenced petition. The petitioner requests approval of an outside service area for outdoor dining for the subject property located within the B3PD Community Shopping Center Planned Development District.

After due notice and as required by law, the Plan Commission conducted a public hearing for this petition on April 18, 2011.

"Our shared Vision for Lombard is a community of excellence exemplified by its government working together with residents and businesses to create a distinctive sense of spirit and an outstanding quality of life."

Steven Brauer, 1000 N Rohlwing, Lombard, IL, presented the petition. He stated that they are seeking to have a 700 square foot outdoor dining area on the east side of the existing tenant space which would be used to serve lunch and dinner weather permitting.

"The Mission of the Village of Lombard is to provide superior and responsive governmental services to the people of Lombard."

Chairperson Ryan asked if anyone was present to speak in favor or against the petition.

There was no one spoke in favor or against the petition.

Chairperson Ryan then requested the staff report.

Christopher Stilling, Assistant Director of Community Development, presented the report. He stated that subject property was annexed into the Village in 1990 associated with the approval of the Northgate Shopping Center development. In the late 1990s, the Northgate Theatres ceased operations. In 2003, an anchor tenant of the shopping center, Menard's, closed their operations within the center. Since then, the Menard's space has remained vacant. The theatre site received conditional use approvals for a teen club and a religious institution, but both closed in 2006. The planned development was established in 2006 (PC 06-18) in order to accommodate signage and landscaping modifications. The property is

currently occupied by the anchor tenants of Harlem Furniture and Restaurant Depot, as well as smaller tenants, including the Brauer House Restaurant, occupying space at the southern end of the center.

The petitioner is proposing to construct a 700 square foot outdoor dining area on the east side of the existing tenant space. The dining area would consist of approximately eight (8) tables with four (4) chairs per table, for a total of thirty-two (32) seats. The dining area would be enclosed with a 4' high ornamental metal fence. The height and style of the fence proposed is consistent with other recently approved outdoor dining areas. The dining area would be covered by the existing canopy running along the east side of the tenant space.

There is an existing daycare facility in the tenant space directly north of the outdoor dining area. That facility did receive text amendment and conditional use approval to allow its operation until midnight (PC 03-35 and 03-36). The entrance is over 30' away from the outdoor dining area. The petitioner has agreed to install a privacy wall on the north side of the outdoor dining area, blocking the view to the daycare facility.

As noted in the comments by the Building Division, if the petition is approved, the plans will have to be revised to meet the Illinois Accessibility Code. Based on the dimensions shown, it appears that sufficient space is available to accommodate the required spacing. The petitioner has indicated that the hours of operation outside would be consistent with their current hours of operations which are roughly 11AM -11PM, seven (7) days a week.

Staff finds the standards have been met and that the use is compatible with the Comprehensive Plan and surrounding land uses and therefore staff recommends approval of the conditional use subject to the conditions noted in the staff report.

Chairperson Ryan then opened the meeting for comments among the Commissioners.


On a motion by Commissioner Sweetser and a second by Commissioner Flint, the Plan Commission voted 4 to 0 that the Village Board approve the petition based on the finding that the petition had met the required Standards as set forth in the Zoning Ordinance. The Plan Commission did make 1 change to the condition to correct an error. The condition was changed to read, "The petitioner shall develop the space in substantial conformance with the Site Plan showing 8 tables with a total of 32 chairs, prepared by Kevin Lane Architects, dated February 28, 2011 and attached as Exhibit A, except as may be changed to conform to Village Codes"

Based on the submitted petition and the testimony presented, the proposal **complies** with the standards required by the Lombard Zoning Ordinance and is consistent with the Lombard Landings Planned Development; and, therefore, I move that the Plan Commission find that the findings included as part of the Inter-departmental Review Report be the findings of the Plan Commission and therefore, I recommend to the Corporate Authorities **approval** of PC 11-10, subject to the following conditions:

1. The petitioner shall develop the space in substantial conformance with the Site Plan showing 8 tables with a total of 32 chairs, prepared by Kevin Lane Architects, dated February 28, 2011 and attached as Exhibit A, except as may be changed to conform to Village Codes.
2. The petitioner shall apply for and receive a building permit for the proposed outdoor dining area. Said permit shall satisfactorily address all IDRC comments.

Respectfully,

VILLAGE OF LOMBARD



Donald Ryan, Chairperson
Lombard Plan Commission

c. Petitioner
Lombard Plan Commission

Surrounding Zoning and Land Use:

- North: Property within the Village of Addison zoned M4 Planned Office Research Industrial; developed as industrial and commercial development
- South: OPD – Heron Point Office Planned Development; improved as a hotel and office building; and R1 Single-Family Residence District – unimproved property
- East: R1 Single-Family Residence District – developed as a mix of single-family residences, contractor’s and storage yards and an automotive repair use
- West: B3 Community Shopping District – Interstate 355

ANALYSIS

SUBMITTALS

This report is based on the following documentation, which was filed with the Department of Community Development:

1. Petition for Public Hearing
2. Site Plan showing 8 tables with a total of 24 chairs, prepared by Kevin Lane Architects, dated February 28, 2011
3. Petitioner’s Response to Standards

DESCRIPTION

The petitioner, Brauer House Restaurant, is currently located in the Lombard Landings (formerly Northgate) Shopping Center. The petitioner is proposing to construct a 700 square foot outdoor dining area on the east side of the existing tenant space. Pursuant to Section 155.415 (C) (20) of the Lombard Zoning Ordinance, outside service areas (outdoor dining) require a conditional use in the B3PD Community Commercial Planned Development District.

INTER-DEPARTMENTAL REVIEW COMMENTS

ENGINEERING

The Private Engineering Services Division of Community Development has no comments.

PUBLIC WORKS

Public Works Engineering has no comments.

FIRE DEPARTMENT

The Fire Department has the following comments:

1. The 4'-0" wide path of egress from the building through the outdoor seating area must be maintained at all times in both areas identified on the site plan.
2. The full "solid" partition indicated on the site plan to define the north boundary of the outdoor seating area shall be of non-combustible construction.
3. Approved Fire Lane Signage shall be installed on the structural columns at the outermost boundaries of the outdoor seating area. Signs shall have a minimum dimension of 12 inches wide by 18 inches high and have red letters on a white reflective background. Final approval shall be subject to review by the Fire Marshal.
4. The following materials and activities shall be prohibited within the outdoor seating area:
 - o All smoking and smoking materials
 - o Candles and open flames
 - o Temporary wiring
 - o Decorative or festive lighting with electrical extension cords
 - o Cooking and heating appliances

BUILDING DIVISION

The Building Division has the following comments:

1. What is noted as "full solid partition" is to be constructed of non-combustible material.
2. What is noted as "w/self closing gates" are required to have hardware that both meet the Illinois Accessibility Code as well as the means of egress chapter (chapter 10) of the International Building Code. This would typically be designed without any locking or latching hardware. If they desire locking or latching hardware, panic hardware would be required.
3. Emergency lighting is required at this seating and exiting area. This should be included in a permit submittal.
4. A 36" wide clear path is required between the tables and columns.
5. What is shown currently at the entrance of the outer gates does not meet the Illinois Accessibility Code. 60 inches would be the minimum where the 3'6" space is shown between the railing and curb to allow a code compliant turn at the gates and approach to the opening gate.

PLANNING

Zoning History of the Property

The subject property was annexed into the Village in 1990 associated with the approval of the Northgate Shopping Center development. Since the 1990 approval and construction of the site with a shopping center, the subject property has been sold on two separate occasions. In the late 1990s, the Northgate Theatres ceased operations. In 2003, an anchor tenant of the shopping center, Menard's, closed their operations within the center. Since then, the Menard's space has remained vacant. The theatre site received conditional use approvals for a teen club and a religious institution, but both closed in 2006. The planned development was established in 2006 (PC 06-18) in order to accommodate signage and landscaping modifications. The property is currently occupied by the anchor tenants of Harlem Furniture and Restaurant Depot, as well as smaller tenants, including the Brauer House Restaurant, occupying space at the southern end of the center.

Proposed Improvements

The petitioner is proposing to construct a 700 square foot outdoor dining area on the east side of the existing tenant space. The dining area would consist of approximately eight (8) tables with four (4) chairs per table, for a total of twenty-four (24) seats. The dining area would be enclosed with a 4' high ornamental metal fence. The height and style of the fence proposed is consistent with other recently approved outdoor dining areas. The dining area would be covered by the existing canopy running along the east side of the tenant space.

There is an existing daycare facility in the tenant space directly north of the outdoor dining area. That facility did receive text amendment and conditional use approval to allow its operation until midnight (PC 03-35 and 03-36). The entrance is over 30' away from the outdoor dining area. The petitioner has agreed to install a privacy wall on the north side of the outdoor dining area, blocking the view to the daycare facility.

As noted in the comments by the Building Division, if the petition is approved, the plans will have to be revised to meet the Illinois Accessibility Code. Based on the dimensions shown, it appears that sufficient space is available to accommodate the required spacing.

Hours

The petitioner has indicated that the hours of operation outside would be consistent with their current hours of operations which are roughly 11AM -11PM, seven (7) days a week.

Compatibility with the Zoning Ordinance

Conditional use

The petitioner is proposing to construct a 700 square foot outdoor dining area on the east side of the existing building. A similar request was granted to the existing Banquet Facility at 530 E

North Avenue (PC 07-45). As the property is not located near any residences, impacts of the outdoor dining function are minimal. Staff finds that the standards have been met and supports the conditional use.

Parking

The addition of the outdoor dining area would require an additional 11 parking spaces. The existing site has 1,322 parking spaces and is required to have 1,280 parking spaces. Staff finds that the site has sufficient parking to accommodate the proposed outdoor dining area.

Compatibility with the Comprehensive Plan

The Comprehensive Plan recommends Community Commercial at this location. The proposed use complies with the recommendation of the Comprehensive Plan.

Compatibility with Surrounding Land Uses

The North Avenue corridor is a high volume corridor with commercial and industrial sites on the north half of the street and residential sites on the south half of the street with intermittent areas of commercially zoned property. The subject property is located within a large shopping center with other commercial uses. Given its location, staff believes that the outdoor dining area will not negatively impact any residential properties and finds that the use is compatible with surrounding land uses.

FINDINGS AND RECOMMENDATIONS

The Department of Community Development finds that the information presented **meets** the Standards for a Conditional Use as set forth in the Zoning Ordinance. Based on the above considerations, the Inter-Departmental Review Committee recommends that the Plan Commission make the following motion recommending **approval** of this petition:

Based on the submitted petition and the testimony presented, the proposal **complies** with the standards required by the Lombard Zoning Ordinance and is consistent with the Lombard Landings Planned Development; and, therefore, I move that the Plan Commission find that the findings included as part of the Inter-departmental Review Report be the findings of the Plan Commission and therefore, I recommend to the Corporate Authorities **approval** of PC 11-10, subject to the following conditions::

1. The petitioner shall develop the space in substantial conformance with the Site Plan showing 8 tables with a total of 24 chairs, prepared by Kevin Lane Architects, dated February 28, 2011 and attached as Exhibit A, except as may be changed to conform to Village Codes.

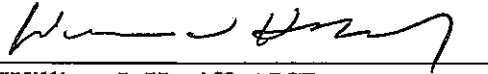
Plan Commission

Re: PC 11-10

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2. The petitioner shall apply for and receive a building permit for the proposed outdoor dining area. Said permit shall satisfactorily address all IDRC comments.

Inter-Departmental Review Group Report Approved By:



William J. Heniff, AICP

Director of Community Development

Staff's Response to Standards for Conditional Use

In addition to the response to standards for at conditional uses that were submitted as part of the petition, staff offers the following additional findings to be considered for PC 11-10.

1. *That the establishment, maintenance, or operation of the conditional use will not be detrimental to, or endanger the public health, safety, morals, comfort, or general welfare;*

The proposed use of the outdoor dining area will not have an impact or endanger the public health, safety, morals, comfort, or general welfare. The restaurant is an already existing establishment and the use is consistent with other uses along the corridor. Adequate provisions are provided ensuring the outdoor activity is confined to a specific location.

2. *That the conditional use will not be injurious to the uses and enjoyment of other property in the immediate vicinity for the purposes already permitted, nor substantially diminish and impair property values within the neighborhood in which it is to be located.*

The subject property is located within a large shopping center with other commercial uses. Given its location, staff believes that the outdoor dining area will not negatively impact other properties in the immediate area.

3. *That the establishment of the conditional use will not impede the normal and orderly development and improvement of the surrounding property for uses permitted in the district;*

The proposed use will not impact overall redevelopment activity along the North Avenue corridor. Staff finds that the expanded restaurant use could be considered an asset to the corridor.

4. *That adequate public utilities, access roads, drainage and/or necessary facilities have been or will be provided;*

The use does have adequate public utilities. The restaurant already exists and the proposed improvements will be required to meet current codes.

5. *That adequate measures have been or will be taken to provide ingress and egress so designed as to minimize traffic congestion in the public streets;*

Staff finds that the proposed use and off site parking has suitable access. The proposed improvements are a small expansion from what already exists.

Plan Commission

Re: PC 11-10

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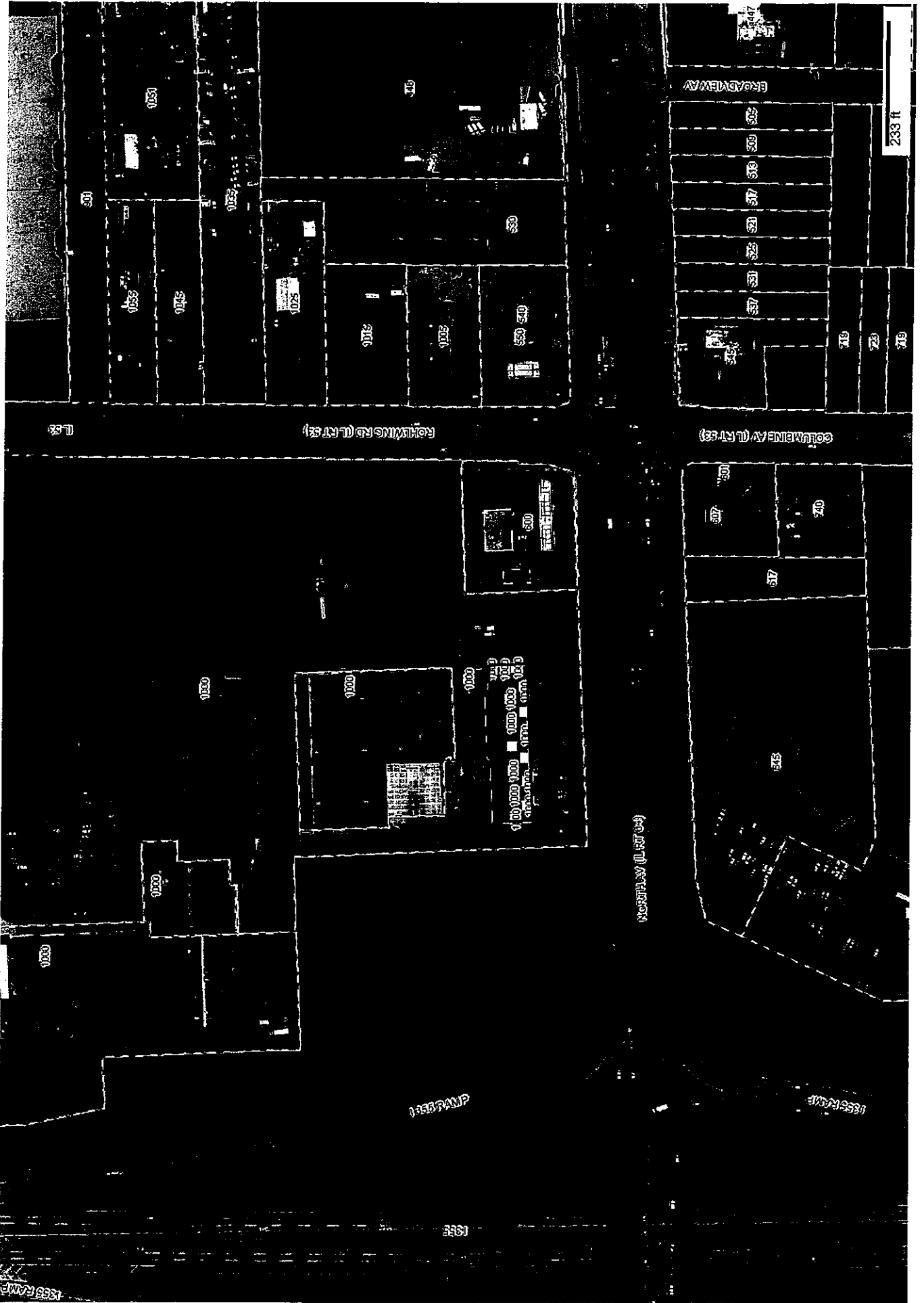
6. *That the proposed conditional use is not contrary to the objectives of the current Comprehensive Plan for the Village of Lombard; and*

The Comprehensive Plan recommends Community Commercial at this location. The proposed use complies with the recommendation of the Comprehensive Plan.

7. *That the conditional use shall, in all other respects, conform to the applicable regulations of the district in which it is located, except as such regulations may, in each instance, be modified pursuant to the recommendations of the Plan Commission.*

Staff finds that the use will be consistent with Village Codes.

1000 N Rohlwing, Suite 13



Response to Standards for Conditional Uses

1. "That the establishment, maintenance, or operation of the conditional use will not be detrimental to, or endanger the public health, safety, morals, comfort, or general welfare"

Brauer House is proposing to place eight tables with four chairs each directly in front of the business which would only be in use during the warmer months and only be in use during the business hours of 11:00 a.m. to 11:00 p.m. The seating area will be partitioned off with 42" high metal railings containing two 48" locking gates. There will remain a 3'6" area to the east of the partition for foot traffic to proceed unhindered.

2. "That the conditional use will not be injurious to the uses and enjoyment of other property in the immediate vicinity for the purposes already permitted, not substantially diminish and impair property values within the neighborhood in which it is to be located;"

The proposed use will only be used as a supplementary function of the existing use. The placement of eight tables and four chairs each would neither interfere with nor be injurious to the uses and enjoyment of other properties in the immediate vicinity.

3. "That the establishment of the conditional use will not impede the normal and orderly development and improvement of the surrounding property for uses permitted in the district"

The proposed improvements do not impede the normal and orderly development of the surrounding properties.

4. "That the adequate public utilities, access roads, drainage and/or necessary facilities have been or will be provided;"

The placement of tables and chairs will not affect any public utilities, access roads, or drainage.

5. "That adequate measures have been or will be taken to provide ingress and egress so designed as to minimize traffic congestion in the public streets;"

The placement of tables and chairs will not cause traffic congestion in the public streets.

6. "That the proposed conditional use is not contrary to the objectives of the current Comprehensive Plan for the Village of Lombard;"

The current use of the property as well as the proposed use are

7. "That the conditional use shall, in all other respects, conform to the applicable regulations of the district in which it is located, except as such regulations may, in each instance, be modified pursuant to the recommendations of the Plan Commission."

The conditional use conforms to all applicable regulations of the district in which it is located.

• • • • •

Downer, Janet

From: Stilling, Christopher
Sent: Friday, April 15, 2011 2:02 PM
To: Downer, Janet
Subject: FW: Brauerhouse

FYI

Christopher Stilling, AICP
Assistant Director of Community Development
Village of Lombard
255 E Wilson Avenue
Lombard, IL 60148
Tel: (630) 620-5717
Fax: (630) 629-2374
stillingc@villageoflombard.org

From: Steven Brauer [<mailto:brauer1@comcast.net>]
Sent: Friday, April 15, 2011 1:49 PM
To: Stilling, Christopher
Subject: Brauerhouse

Chris,

With reference to PC 11-10, we are requesting a waiver of first reading of the Ordinance related to our petition".

Thank you,
Steven Brauer

4/18/2011

ORDINANCE NO. _____

**AN ORDINANCE GRANTING A CONDITIONAL USE PURSUANT TO TITLE
15, CHAPTER 155, SECTION 155.415(C) (20) OF THE LOMBARD ZONING
ORDINANCE**

(PC 11-10: 1000 N Rohlwing Road, Suite 13)

WHEREAS, the President and Board of Trustees of the Village of Lombard have heretofore adopted the Lombard Zoning Ordinance, otherwise known as Title 15, Chapter 155 of the Code of Lombard, Illinois; and,

WHEREAS, the Subject Property as defined below is zoned B3PD Community Shopping Center Planned Development District ; and,

WHEREAS, an application has been filed requesting approval of a conditional use pursuant to Section 155.415(C)(20) of the Lombard Zoning Ordinance to allow outside service area for outdoor dining as set forth herein for the property described in Section 2 below; and,

WHEREAS, a public hearing on the forgoing application was conducted by the Village of Lombard Plan Commission on April 18, 2011 pursuant to appropriate and legal notice; and,

WHEREAS, the Plan Commission has filed its recommendations with the President and Board of Trustees recommending approval of the zoning actions described herein, subject to conditions; and,

WHEREAS, the President and Board of Trustees have determined that it is in the best interest of the Village of Lombard to approve the requested zoning actions herein by reference as if they were fully set forth herein;

NOW, THEREFORE, BE IT ORDAINED BY THE PRESIDENT AND BOARD OF TRUSTEES OF THE VILLAGE OF LOMBARD, DU PAGE COUNTY, ILLINOIS, as follows:

SECTION 1: That a conditional use is hereby granted for the property described in Section 2 below and pursuant to Title 15, Chapter 155, Section 155.415(C)(20) of the Village of Lombard Zoning Ordinance so as to allow outside service

Ordinance No. _____

Re: PC 11-10

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area for outdoor dining, subject to compliance with the conditions set forth in Section 3 below:

SECTION 2: That this Ordinance is limited and restricted to the property located at 1000 N Rohlwing Road, Suite 13, Lombard, Illinois and legally described as follows:

LOT 1 IN NORTHGATE PLAZA ASSESSMENT PLAT 1, IN THE SOUTHEAST QUARTER OF SECTION 36, TOWNSHIP 40 NORTH, RANGE 10, EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED AS DOCUMENT NO. R96-046670, IN DUPAGE COUNTY, ILLINOIS; ALSO

LOT 2 IN NORTHGATE PLAZA RESUBDIVISION, BEING A RESUBDIVISION IN THE SOUTHEAST QUARTER OF SECTION 36, TOWNSHIP 40 NORTH, RANGE 10, EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED AS DOCUMENT NO. R93-269848, IN DUPAGE COUNTY, ILLINOIS.

Parcel Number: 02-36-413-003 & 02-36-412-036; (the "Subject Property").

SECTION 3: This ordinance shall be granted subject to compliance with the following conditions:

1. The petitioner shall develop the space in substantial conformance with the Site Plan showing 8 tables with a total of 32 chairs, prepared by Kevin Lane Architects, dated February 28, 2011 and attached as Exhibit A, except as may be changed to conform to Village Codes.
2. The petitioner shall apply for and receive a building permit for the proposed outdoor dining area. Said permit shall satisfactorily address all IDRC comments.

SECTION 4: This Ordinance, upon approval, shall be recorded by the Village with the Office of County Recorder.

SECTION 5: This ordinance shall be in full force and effect from and after its passage, approval, and publication in pamphlet form as provided by law.

Ordinance No. _____
Re: PC 11-10
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Passed on first reading this ____ day of _____, 2011.

First reading waived by action of the Board of Trustees this ____ day of _____, 2011.

Passed on second reading this ____ day of _____, 2011, pursuant to a roll call vote as follows:

Ayes: _____

Nays: _____

Absent: _____

Approved by me this ____ day of _____, 2011.

William J. Mueller, Village President

ATTEST:

Brigitte O'Brien, Village Clerk

Published in pamphlet from this ____ day of _____, 2011.

Brigitte O'Brien, Village Clerk



MEMORANDUM

TO: David A. Hulseberg, Village Manager

FROM: William Heniff, AICP
Director of Community Development *WH*

DATE: May 5, 2011

SUBJECT: PC 11-10; 1000 N Rohlwing, Suite 13 (Brauer House Restaurant)

The above referenced petition is scheduled to be heard before the Village Board on May 5, 2011. President Mueller has asked to have this item continued to the May 19, 2011 Village Board meeting to allow staff and Village Counsel to meet with the petitioner to discuss the operations of the restaurant.